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## Appeal Decision

Site visit made on 21 November 2023

**by J D Westbrook BSc(Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 29 November 2023**

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**Appeal Ref: APP/G3110/D/23/3326200**

**11 Kiln Lane, Headington, OXFORD, OX3 8HA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr and Mrs Jonnie and Lucy Walker against the decision of Oxford City Council.
  - The application Ref 23/00107/FUL, dated 18 January 2023, was refused by notice dated 18 May 2023.
  - The development proposed is described as the demolition of an existing rear single storey extension and erection of a two-storey side and rear extension, together with provision of external insulated render.
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### Decision

1. The appeal is allowed and planning permission is granted for the demolition of an existing rear single storey extension and erection of a two-storey side and rear extension, together with provision of external insulated render, at 11 Kiln Lane, Headington, OXFORD, OX3 8HA, in accordance with the terms of the application, Ref 23/00107/FUL, dated 18 January 2023, and the plans submitted with it, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: KLN-001-01, KLN-101-02, KLN-110-01, KLN-120-02.
  - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
  - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, no additional windows, doors or openings shall be placed in the south-east side elevation of the extensions hereby permitted without the prior written consent of the Local Planning Authority.
  - 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or enacting that Order), windows in the south-east facing side elevation shall be glazed in obscure glass, be non-opening below 1.7 metres above finished floor levels in the rooms they serve, and thereafter retained as such.

- 6) No building hereby permitted shall be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority.

### **Procedural Matters**

2. The original description of the proposal apparently did not include reference to the provision of insulated render. There was subsequent discussion between the appellants and the Council regarding an appropriate amendment to the description, and I am led to believe that the amended description has been agreed between the parties.
3. There have been a number of amended plans submitted as part of the proposed development. The Council has provided a list of plans that were originally submitted and another list that relates to plans under consideration. The latter appears to include more than one plan for a number of elements of the design of the proposal, including floor plans and elevations. I have considered all plans on the list in my deliberations.

### **Main Issues**

4. The main issues in this case are the effects of the proposed extensions on:
  - The character and appearance of the area around Kiln Lane and Downside Road, and
  - The living conditions of the occupiers of No 13 Kiln Lane and No 2 Downside Road by way of overshadowing and outlook.

### **Reasons**

5. No 13 Kiln Lane is a small, semi-detached house situated on part of a corner plot at the junction of Kiln Lane with Downside Road. It is set at an angle to Kiln Lane such that its outlook is west, over the junction itself. Kiln Lane is a relatively quiet residential road, although it appears also to be a bus route. Houses along Kiln Lane are predominantly semi-detached with similar design features. The proposed development would involve the construction of a long two-storey side extension that would project beyond the existing rear elevation of the house. It would also involve the demolition of an existing single-storey rear extension and the construction of a new single-storey extension between the side extension and the boundary with the adjoining No 2 Downside Road.
6. Policy DH1 of the Council's Local Plan (LP) indicates that planning permission will only be granted for development of high quality design that creates or enhances local distinctiveness. Policy H14 of the LP indicates that planning permission will only be granted for new development that provides reasonable privacy, daylight and sunlight for occupants of both existing and new homes, and that permission will not be granted for any development that has an overbearing effect on existing homes. Policy R4 of the LP indicates, among other things, that all development proposals will be required to manage surface

- water through Sustainable Drainage Systems (SuDS) or techniques to limit run-off and reduce the existing rate of run-off on previously developed sites.
7. The Council contends that due to its height, depth and overall mass and bulk as well as the awkward overhanging first floor above the front door, and external insulating render, along with its prominent corner plot position, the proposed side and rear extensions would be an overly intensive form of development that would be out of place in its setting, appearing as an incongruous and alien addition to the street scape. In addition, because of its scale, proximity and relationship to the adjacent property at No 13 Kiln Lane, the proposed side/rear extension would lead to a loss of outlook to the habitable rooms at No 13 and create an overbearing impact to that house, Similarly, the proposed single-storey rear extension would result in a loss of daylight and direct sunlight to the adjacent habitable room and rear garden of 2 Downside Road and create an unacceptable overshadowing and overbearing impact to that property.
  8. The appellants contend that the proposal would not result in the appeal property being any more developed on its plot than most of the immediately surrounding properties, and that there are already a number of significant extensions to properties in the immediate vicinity. In addition, there is precedent for the proposed overhanging first floor at No. 25 Downside Road, and there is precedent for large extensions to other nearby corner plots. With regard to the impact on neighbouring houses, the appellants contend that the proposals would be clear of the 45 and 25 degree lines in plan and elevation, so they would not detrimentally affect the residential amenity of No.13, while the proposed single-storey rear extension would replace an existing extension, so the proposals would have no greater effect on overshadowing or outlook to No 2 than the existing situation.

#### *Character and appearance*

9. The area around the junction of Kiln Lane with Downside Road and Shelley Close is characterised by a mix of house types and designs. Most have brick and/or render facades, and many have small, ground-floor front bay windows, but there is variety around the junction. Whilst the adjoining No 2 Downside Road is of similar scale and design to the appeal property, there is a modern detached house (No 2A) adjacent, and this has a number of design features that do not conform to the character and appearance of the semi-detached houses in the vicinity, including greater depth and use of timber clad, two-storey gable-fronted bays. No 9 Kiln Lane, on the opposite side of the junction, has a wide two-storey side extension with a large canopy/porch over the front door. No 1 Shelley Close is a detached house with elevations parallel to the two roads that it faces. On the fourth corner is a modern housing complex known as Knights House, which is set behind trees and mature hedges.
10. The Council points out that the side elevation of No 11 is prominent in the street scene by virtue of the fact that the neighbouring No 13 is set further back in its plot. I acknowledge this fact. Nevertheless, the proposed side extension would only be readily visible when approaching from the east, and from this direction the rear portion of the two-storey No 2A Downside Road is clearly visible beyond the rear elevations of No 11 and No 2. On this basis, whilst the side extension at the appeal property would be deeper and more prominent than the existing side elevation, it would not effectively be blocking any significant views through to Downside Road.

11. From one of the submitted plans relating to the elevations of the proposed side extension (Ref: KLN-120-02), shown as under consideration by the Council, the front and side elevations would match the existing house in terms of use of render with brick detailing on the corners. The Council contends that the proposed open overhang above the front door – which is in the existing side elevation – would be incongruous and out of character. However, given the variety of design elements within the properties around the road junction, including a large open canopy around the door in the side elevation of the wide, prominent extension at No 9, I do not consider that this would necessarily be a discordant feature.
12. In conclusion on this issue, given the wide range of design features in both the traditional and more modern properties around the junction of Kiln Lane with Downside Road and Shelley Close, I find that the proposal would not be harmful to the character and appearance of the area. I acknowledge that the side extension would appear more significant in scale than the existing side elevation of the house, but this does not, in this case, mean that it would be incongruous, discordant or out of character with its immediate surroundings. On this basis, it would not conflict with policy DH1 of the LP.

#### *Living conditions*

13. No 11 is set significantly further forward in its plot than the adjacent No 13. On this basis, the side elevation of the proposed extension would be clearly visible from the main front bay window at No 13, although it would be angled away from that window from the back to the front. It would not appear to affect any habitable room windows in the side elevation of No 13. Moreover, No 13 has a long front garden and would continue to have uninterrupted views from the south-east round to the south west from the front window. The proposed side extension at the appeal property would be sited to the north-west of No 13 and would have little impact on either outlook or overshadowing. From the information available it would appear that the proposed extension would only impinge on the 45 and 25 degree lines from the front window at No 13 to a very marginal extent, if at all.
14. With regard to the impact of the single-storey extension on the outlook and light at the adjoining No 2 Downside Road, I note that there is already a single-storey rear extension at the appeal property up to the boundary with No 2. Whilst this has only a shallow mono-pitch roof, drawing KLN-120-02, also referred to above, appears to show the rear extension as having a hipped roof, with a height to eaves no greater than the existing extension, and the roof sloping away from the boundary. On the basis of the representation of the rear extension on this drawing, it would have no significant adverse effect on the outlook or light at No 2.
15. In the light of the above, I find that the proposal would not appear overbearing, and it would not be harmful to the living conditions of the occupiers of either No 13 Kiln Lane or No 2 Downside Road by way of overshadowing or outlook. On this basis, it would not conflict with Policy H14 of the LP.

#### **Conditions**

16. I have attached a condition relating to plans because it is necessary that the development shall be carried out in accordance with the approved plans for the

avoidance of doubt and in the interests of proper planning. I have attached a further condition relating to materials in the interests of the visual amenities of the area. I have attached a condition relating to windows and other openings, and a condition relating to obscure glazing, in the interests of protecting the residential amenities of the occupiers of No 13 Kiln Lane. Finally, I have attached a condition regarding sustainable drainage in order to avoid increasing surface water run-off and to prevent an increase in flood risk in line with the requirements of Policy R4 of the LP, although I have altered the wording of the condition suggested by the Council for the sake of clarity and precision.

*J D Westbrook*

INSPECTOR